

CIVIL COVER SHEET

The JS-CAND 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Christine Whalen, et al. (see attachment 1 for additional

(b) County of Residence of First Listed Plaintiff New Orleans, LA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Joseph M. Alioto (SBN 42680) (see attachment 2 for

DEFENDANTS

Kroger Co., Albertsons Companies, Inc.,

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
110 Insurance	PERSONAL INJURY	625 Drug Related Seizure of Property 21 USC § 881	422 Appeal 28 USC § 158	375 False Claims Act
120 Marine	310 Airplane	690 Other	423 Withdrawal 28 USC § 157	376 Qui Tam (31 USC § 3729(a))
130 Miller Act	315 Airplane Product Liability			400 State Reapportionment
140 Negotiable Instrument	320 Assault, Libel & Slander	LABOR	PROPERTY RIGHTS	<input checked="" type="checkbox"/> 410 Antitrust
150 Recovery of Overpayment of Veteran's Benefits	330 Federal Employers' Liability	710 Fair Labor Standards Act	820 Copyrights	430 Banks and Banking
151 Medicare Act	340 Marine	720 Labor/Management Relations	830 Patent	450 Commerce
152 Recovery of Defaulted Student Loans (Excludes Veterans)	345 Marine Product Liability	740 Railway Labor Act	835 Patent—Abbreviated New Drug Application	460 Deportation
153 Recovery of Overpayment of Veteran's Benefits	350 Motor Vehicle	751 Family and Medical Leave Act	840 Trademark	470 Racketeer Influenced & Corrupt Organizations
160 Stockholders' Suits	355 Motor Vehicle Product Liability	790 Other Labor Litigation	880 Defend Trade Secrets Act of 2016	480 Consumer Credit
190 Other Contract	360 Other Personal Injury	791 Employee Retirement Income Security Act	SOCIAL SECURITY	485 Telephone Consumer Protection Act
195 Contract Product Liability	362 Personal Injury—Medical Malpractice	IMMIGRATION	861 HIA (1395ff)	490 Cable/Sat TV
196 Franchise	CIVIL RIGHTS	462 Naturalization Application	862 Black Lung (923)	850 Securities/Commodities/Exchange
REAL PROPERTY	PRISONER PETITIONS	465 Other Immigration Actions	863 DIWC/DIWW (405(g))	890 Other Statutory Actions
210 Land Condemnation	440 Other Civil Rights		864 SSID Title XVI	891 Agricultural Acts
220 Foreclosure	441 Voting	HABEAS CORPUS	865 RSI (405(g))	893 Environmental Matters
230 Rent Lease & Ejectment	442 Employment	463 Alien Detainee	FEDERAL TAX SUITS	895 Freedom of Information Act
240 Torts to Land	443 Housing/Accommodations	510 Motions to Vacate Sentence	870 Taxes (U.S. Plaintiff or Defendant)	896 Arbitration
245 Tort Product Liability	445 Amer. w/Disabilities—Employment	530 General	871 IRS—Third Party 26 USC § 7609	899 Administrative Procedure Act/Review or Appeal of Agency Decision
290 All Other Real Property	446 Amer. w/Disabilities—Other	535 Death Penalty		950 Constitutionality of State Statutes
	448 Education	OTHER		
		540 Mandamus & Other		
		550 Civil Rights		
		555 Prison Condition		
		560 Civil Detainee—Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation—Transfer ☐ 8 Multidistrict Litigation—Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 18 and 15 U.S.C. § 1

Brief description of cause:

Claim to prohibit Kroger Co. from acquiring Albertsons in violation of the Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P.

DEMAND \$

Injunction; disgorgement

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only)

☒ SAN FRANCISCO/OAKLAND☐ SAN JOSE☐ EUREKA-MCKINLEYVILLE

DATE January 31, 2023

SIGNATURE OF ATTORNEY OF RECORD

Joseph M. Alioto

Print

Save As

Print

Attachment 1 to Civil Cover Sheet

Plaintiffs:

Christine Whalen,
Gabriel Garavanian,
Katherine R. Arcell,
Jose' M. Brito,
Jan-Marie Brown,
Rosemary D'Augusta,
Brenda K. Davis,
Pamela Faust,
Carolyn Fjord,
Don Freeland,
Donna Fry,
Harry Garavanian,
Yvonne Jocelyn Gardner,
Valarie Ann Jolly,
Michael C. Malaney,
Len Marazzo,
Lisa McCarthy,
Timothy Niebor,
Deborah M. Pulfer,
Bill Rubinsohn,
Sondra K. Russell,
June Stansbury,
Clyde D. Stensrud,
Gary Talewsky,
Pamela S. Ward.

Attachment 2 to Civil Cover Sheet

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Attachment 2 to Civil Cover Sheet (page 2)

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